

**Department of Planning and Zoning, City of Alexandria, VA  
Green Building and Sustainable Development Working Group  
Meeting No. 7 – 8.30am to 10.15am Thursday, December 18, 2008  
City Council Workroom on the 2nd Floor, City Hall, Alexandria, VA.**

**Draft Meeting Notes:**

**In Attendance:**

Erica Bannerman  
Geoffrey Booth  
Al Cox  
Bill Cromley  
Bob Elliott  
Jeff Farnar  
Joanna Frizzel  
Ken Granata  
Faroll Hamer  
Elizabeth (Beth) Heider  
Rich Josephson  
Jeremy McPike, PMP, LEED AP  
Lisa May (Virginia Association of Realtors)  
Katie Parker (City of Alexandria – Planning & Zoning)  
Peter Pennington  
Robert Phinney  
Barbara Ross  
Greg Ruff  
Lou Sagatov

**Apologies:**

Kenneth W. Wire, JD

Geoffrey Booth welcomed all to the meeting and circulated additional copies of the outline draft policy and comments received to date (copies of same at conclusion of these notes of meeting). He explained that the priority was to allow each member of the working group and their colleagues to comment on the draft policy ahead of the public forum to be held on 28<sup>th</sup> January, 2009. Geoffrey Booth invited Rich Josephson to outline the process from here to adoption of the Green Building Policy.

**The Green Building Forum to be held on 28<sup>th</sup> January, 2009.**

Rich Josephson explained that the Forum would be an opportunity to explain and include the community in the green building policy work that had been undertaken over the past six months by this working group. The Forum would outline what constitutes green building and why it is important to the future of all who live, work and visit the City of Alexandria. This would be achieved by a moderated panel discussion and Q&A with the audience. It will cover best practice and the relationship of green building with historic preservation.

It will provide the perspective of the building industry, the Environmental Policy Commission, the City's Phase One Environmental Action Plan and how all these points of view have been brought together in the draft Green Building Policy. It will explain the leadership by example that the City of Alexandria is providing with respect to green building of city assets. It will exhibit the importance of leadership in green building from the private sector and the role to be played by effective outreach and education.

### **Leading up to the Forum**

Rich Josephson explained that the background report that led to the draft policy would be finalized and distributed in January, 2009. All members of the working group were urged to invite all interested parties to attend the forum. Rich Josephson also advised that a further briefing would be given to the Environmental Policy Commission in early January, 2009 and that Rich would be available and happy to talk to any group about the City of Alexandria's draft Green Building Policy.

### **Following the Forum**

Rich Josephson advised that in the two week period after the forum all comments would be collated and considered. There was then likely to be another working group meeting before the draft policy and staff report was presented to the Planning Commission and the Council sometime around February/March, 2009. He reiterated that what was being put forward for adoption was a policy and not a code amendment.

### **Material for the Forum**

Beth Heider said that she has some images that she would like to present at the Forum that would illustrate Green Building. Peter Pennington said it was essential to present not only the 2-page draft outline of the policy but the report on which it had been founded.

### **Why Policy and not a Code Amendment**

Bill Cromley said that he failed to see the difference between a code amendment and policy as both would be applied as if they were mandatory. Jeffrey Farner made reference to the City's affordable housing policy and explained where he said there were examples of where developers had greater flexibility than if it had been applied as a mandatory provision pursuant to code. Greg Ruff said that like Bill Cromley he failed to see the difference.

Geoffrey Booth explained that there was significantly more discretion and ability for all parties to work together to get appropriate green building solutions under the draft policy than would be available under a code provision. This was particularly appropriate when all parties understood that green building was evolving at a rapid rate and that to adopt a mandatory code at this time would frustrate innovation and green building on the part of the development industry.

Rich Josephson said that a code amendment would take much longer than adoption of a policy and Jeffrey Farner pointed out that the City was keen to advise the development industry of its policy direction and provisions at the earliest time.

Bill Cromley agreed that it was vital that the development industry know the City's requirements as soon as possible. Peter Pennington referred to the recently released Virginia Governor's Commission Report on Climate Change, the findings of which supported a more immediate approach to green building innovation and adoption.

Bob Elliott said the policy should apply equally to the public as well as the private sector and should be phased in just as the District of Columbia had done with its 2006 Green Building Act. Peter Pennington explained that the City's Environmental Action Plan required the City to adopt green building practice with respect to its own developments. Bob Elliott then went on to say that the City should not lease space unless it was in a green building thereby providing support to private sector providers committed to green building. Rich Josephson said this might be considered a form of incentive and green building recognition that the City provided.

### **Application of Policy to Existing as well as New Buildings**

Robert Phinney said that this could apply to existing as well as new buildings. Jeremy McPike explained that this was easier with new buildings than existing buildings and that the fit-out and condition of interior lease space in existing buildings was often problematic. Bob Elliott believed that it would be best to start with new buildings and on the basis of experience then proceed to existing buildings. Robert Phinney agreed and said there was a need for flexibility at this initial stage of the policy and its implementation. Bob Elliott felt that the policy should be confined at this stage to new buildings only.

Robert Phinney pointed out that the leasing of space and construction of new buildings was not so much the responsibility of the Department of Planning and Zoning but other departments of Council and therefore there should be some explicit statement that Council was not asking private developers to do anything they were not doing with Council buildings and leased space. Jeremy McPike referred to the Environmental Action Plan that made this clear. Peter Pennington explained that the Environmental Action Plan was looking to establish a LEED Platinum demonstration building in the City.

### **Monitoring and Reporting on Value of Green Building**

Lou Sagatov said he thought it vital to have a clear vision for the City with respect to Green Building and to apply this not only to big projects but also smaller units of development. Beth Heider explained that it was vital for the City to measure and report on energy saving from green building and all other economies of resource utilization so as to prove out the value of the green building policy. With respect to the annual report foreshadowed by Faroll Hamer at our last meeting, Beth Heider said it was essential that this report itemize the costs and the savings in green building. Rich Josephson confirmed that the policy did provide and in fact was dependent in its refinement on periodic reporting to Council and the Planning Commission and explained that a full accounting of costs and benefits would however be dependent on available data.

Jeremy McPike explained that there were 140 items in the Phase One report of the City's Environmental Action Plan that required feedback and reporting which would constitute a good learning curve for all involved in Green Building. Peter Pennington explained that in time he thought this whole question of green building cost and performance should be incorporated in the EMS reporting requirements.

## **Incentives**

Bill Cromley said that the people who were doing the right thing with respect to green building were incurring significant cost penalties and should be rewarded with incentives to provide some fairness and balance in the system. Robert Phinney said that it would not be possible to monetarize all incentives but rather look at who was benefiting from the policy –developer, City, end-user and try to break this out into items such as:

- Bike racks
- Stormwater Management
- Reduced Energy Use

Bill Cromley said that if a developer invested in a green building technology or solution that saved the city money then that saving should be given back to the developer otherwise he was being penalized. Bill Cromley used the example of a reduction in the sewer tap fee in return for the provision of a green roof.

Jeffrey Farner said that the City was looking at the whole issue of incentives and brought forward by way of example the possibility of reduced car parking provision if the development met certain green building standards. To get this relaxation a DSUP would no longer be required but rather an SP only, which would benefit all. Jeffrey Farner said that in matters stormwater the green building solution would have to demonstrate a direct cost reduction to the City from any reduction in code requirements.

Robert Phinney said that perhaps it was not necessary to amend or reduce code requirements but rather change the way in which they are interpreted and applied. He used the example of the car parking requirements where he said some spaces might be allowed on-street and include accommodation for flex-cars or more fuel efficient vehicles.

Beth Heider explained that the City should prepare a Benefits/Infrastructure Costs Matrix that showed what green building solutions secured what benefits to the City at what cost to the developer. Robert Phinney explained that this was what many electricity supply agencies now did in an effort to manage down consumption including such incentives as those to offset the cost of provision of solar panels. Bill Cromley said he was looking for one-for-one incentives, e.g. in return for reduced water discharge from his development he was looking for a commensurate decrease in sewer tap fees; in return to providing more residential units closer to transit he was looking for a reduced car parking requirement.

Bob Elliott referred to one of his projects where he created a public road but was unable to count the on-street parking on that road toward his parking provision. Rich Josephson and Jeffrey

Farner both referred to the potential to move such relaxations out of the DSUP process to the SP process as a possible way of providing an incentive. Robert Phinney said that any reduction in requirements would need to have measurable benefits, having regard to who actually got the financial return from those benefits. He expressed the concern that if land values were just inflated then green building proponents would not be incentivized.

Bill Cromley said with matters such as Indoor Air Quality there were significant health benefits to occupants and to the City's health services which were never delivered back to the developer as an incentive. Peter Pennington said developers had to act in the public good and not just expect the City to carry the burden of a lower standard of development.

Robert Phinney said that each green building solution/standard would need to be assessed on a case by case basis to determine what value it brought to the developer, the city and the occupants of the development. Bill Cromley said that this was precisely his point as more often than not the developer paid for it but the benefits went to the city and the building occupant but the developer got hit twice, once for the up-front capital cost penalty of the green building solution but also exactly the same taxes, fees, charges and permitting delays as those who chose not to employ green building solutions. Robert Phinney said that in time the market place will price the products accordingly. Lou Sagatov said that he hoped that would one day be the case but his experience in developing green housing was that the market was not yet that sophisticated. Lou Sagatov explained that provision by the City of urban services and infrastructure could make all the difference in incentivizing Green Building.

### **What Level of Certification/Incentives are required**

Faroll Hamer said that she would like to see the policy ultimately identify the circumstances that would allow for flexible application. Geoffrey Booth explained that at this stage as everyone was still learning how to apply green building solutions and technology as desirable as this might be it was not possible until everyone had some real case studies or examples on which to draw.

Geoffrey Booth asked if the development industry representatives were in a position to detail what projects incentives (rather than mere generic incentive types as listed in the white paper) that would allow them to more effectively pursue green building in the City of Alexandria. Both Bob Elliott and Greg Ruff said that would be delighted to provide such a list of project incentives for discussion at the next working group meeting.

Robert Phinney explained that the City of Alexandria because of its location and attributes already provided the extra points for developers to get from the certified to silver standard under LEED. Rich Josephson asked Robert to provide such a checklist for the next meeting and Robert agreed. Jeffrey Farner said this would be a major contribution by the City to closing the gap between certified and Silver LEED certification. Lou Sagatov saw it more as an exchange where the City became a partner not just a regulator to achieve green building.

Robert Phinney said that such a partnership approach would lead the region and most probably the nation and could value add some of the ad-hoc initiatives provided in places like Portland, Oregon which provides bike racks in the street—here the City of Alexandria would formalize its

green building offer into a Strategy that facilitated and boosted developments to a higher level of LEED certification.

Lou Sagatov and Bob Elliott said that if the time or process involved in securing development entitlement could be reduced this would be a significant incentive. They asked Jeffrey Farner if there were other ways in which green building project solutions might move a project out of the need for a DSUP to a SP or perhaps not require a public hearing. Farroll Hamer said that with staffing levels frozen it was very difficult to accelerate processing times with the same number of permit applications. One way might be to do more via administrative solutions. Jeffrey Farner asked that the development industry representatives come up with their “top 10” project incentives or “exchanges” for discussion at the next working group meeting.

Bob Elliott said that once these were identified they would need to be broken out by project type, size and geographic circumstance. Jeffrey Farner said that in the interests of all such a nuanced approach may have to be considered as Phase 2 of the City’s Green Building initiative.

### **Forward Meeting Dates:**

The following forward meeting dates were set following discussion with the Working Group:

Thursday 8<sup>th</sup> January, 2009: Resolution of Incentives/Exchanges discussion

Thursday 15<sup>th</sup> January, 2009: Finalization of comments/submissions on draft Policy

Thursday 22<sup>nd</sup> January, 2009: Reserved meeting date for any outstanding matters.

**Date for next meeting: Thursday 8<sup>th</sup> January, 2009 at 8.30am in Room 1101, Sister Cities Conference Room, City Hall, City of Alexandria.**

## **OUTLINE OF CITY OF ALEXANDRIA GREEN BUILDING POLICY (*DRAFT*)**

Establishing a policy to achieve green buildings is a key component of the City of Alexandria’s effort to promote sustainable development. The City’s policy with regard to green buildings is as follows:

**Green buildings.** Green buildings bring benefits to the City and the region, and are therefore favored over buildings which are not green.

**Policy Statement and Outreach.** The City does not have the legal power to adopt a new code to mandate its green building policy, and that approach is not necessarily desirable. Instead, the City will establish a policy for private buildings in the City and will make efforts to educate the public, especially the building and development community, about the benefits of green buildings.

**Leadership in Energy and Environmental Design.** The LEED rating system will typically be the green building rating system used as a standard for development in the City because it has

become the clear industry preference. However, to the extent that equivalent rating systems are available and their standards can be certified, they are also encouraged.

**Specific LEED standard for development.** New private development that requires a Development Site Plan (DSP) or Development Special Use Permit (DSUP) should achieve the following green building standard:

1. *Nonresidential*: LEED Silver or equivalent and compliance with ENERGY STAR.
2. *Residential*: LEED Certified, LEED for Homes, NAHBSv2 or equivalent, and compliance with ENERGY STAR.
3. *Mixed use*: Each component should follow the above applicable rating standard.
4. *CDDs*: Approvals for CDD areas yet to be developed will incorporate these standards.

**Equivalency.** The LEED rating system standard provides a performance goal for development. If the same or better can be achieved using a different model, the Director will consider and may accept it.

**Third Party Certification.** Certification of compliance with green building standards will be based on outside, third party professionals who are accredited to perform green building analyses and to certify to a development's achievement of the City standard. The City will ask both the applicant and the third party certifier to achieve the applicable green standard, as proposed by in a development application, within two years of issuance of a certificate of occupancy.

**Flexibility.** The above standard is applicable to all development subject to a site plan or DSUP. The types and scale of developments within that category vary greatly, however, and certain building types (medical, hotel, industry, affordable housing, historic building, churches, redevelopment of small retail or restaurant establishments, and renovations or small additions to existing buildings) may require a more flexible approach. The Director of Planning and Zoning will consider whether special circumstances in the size, scale, location or use of the building justify an exemption or alternative method of compliance with City policy on a case by case basis.

**Priorities.** In assessing a project's compliance with this policy, priority elements in the project's design and construction are those which:

- enhance energy efficiency,
- increase water conservation, and
- reduce the overall carbon footprint.

**Innovation.** Building owners and developers are encouraged to innovate and achieve higher green building performance than the minimum set in this policy.

**Phased Approach.** While it is important to establish this policy and implement its critical elements immediately, there are also elements of the green building program that will take longer, that will rely on the evolving green building industry, and those elements should be implemented over time.

**Sustainable Sites.** In addition to technical aspects of green buildings, it is important to look at a building and site holistically. The City will investigate the Sustainable Site Initiative and may incorporate its goals and standards into its green building program.

**Education and Outreach.** This key element of the City's approach to green buildings requires a partnership with the community, especially the building and development industry, as it and the City continue their effort to educate themselves and others about the benefits of and best ways to achieve green buildings. Together, they should track successes in City projects, changes in national and regional approaches to green buildings, advances in technology, and economic savings on individual projects as well as for public infrastructure systems. They should also provide web based information, hold forums on green buildings, and generally communicate the added benefits of higher rated green buildings to the community.

**Green Building Award Program.** The City will work collaboratively with environmental organizations and the building industry to recognize and award green building efforts in the City.

**Monitor Progress.** Building projects should be tracked, with both green buildings and others, and the effectiveness of this policy reported to the Planning Commission and City Council on an annual basis.

(This draft copy circulated to Working Group members for comment on 2<sup>nd</sup> December, 2008.)

**Summary of comments on draft Green Building Policy, including from**

- Judy Noritake
- NAIOP
- AOBA
- JBG
- Greg Ruff
- Carlos Martin
- NVAR
- NVBIA

1. The policy should apply to public as well as private buildings.
2. What are the consequences if the green building standard/goal is not met? What are the consequences if a committed to green building standard is not implemented within two years after a C/O? There could be unforeseen circumstances that arise within that two year period. Are there equivalents that could be substituted?
3. LEED is emphasized too much. It should be dropped for residential, and instead standard should be "any national or regionally recognized program." The policy should not state that LEED is the industry preference for single and multifamily.
4. Why is ENERGY STAR, as well as LEED, required for development? How does that work?
5. LEED silver is too exacting, unless there are concessions and incentives for it.
6. The policy language is too rigid. The policy language is too vague.
7. There is support for the "flexibility" concept, but a concern about too much discretion. Criteria, parameters and definition should be established.



8. The Equivalency discussion needs criteria to avoid abuse. How does an equivalency system work if specific rating systems, in the alternative, are given as the standard?
9. The discussion of priorities (water conservation, energy efficiency and reducing carbon footprint) needs to explain how those priorities are to be used. If an application meets the standard, do the “priorities” come into effect? One suggestion: If the standard is not met, then priorities apply to determine equivalency.
10. Incentives should be offered, including fee abatements, expedited processing, density increases and reduced utility charges, and they should be commensurate with the level of green building achieved.
11. Does third party certification require an independent certification, even for a developer that has been certified by UBGBC?
12. Affordable housing is a major component of “sustainable development”, but there is a conflict with achieving this policy and achieving affordable housing.
13. This policy should not apply to site plans, only to DSUPs.
14. What is the process for adopting a green building policy?
15. There needs to be a timeframe for adopting the policy, which could be phased in over time. There needs to be a timeframe stated for subsequent, post policy, phased work.

(This summary prepared by Barbara Ross, Monday 15<sup>th</sup> December, 2008).